

Before the
Federal Communications Commission
Washington, DC 20554

FCC FILED 2004
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In the Matter of)
Request for Review)
Waterville-Elysian-Morristown Public School) File No. SLD-233839
Waterville, Maine)
Schools and Libraries Universal Service) CC Docket No. 02-6
Support Mechanism)

ORDER**Adopted: February 5, 2004****Released: February 6, 2004**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Waterville-Elysian-Morristown Public School, Waterville, Maine (Waterville).¹ Waterville requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).² For the reasons set forth below, we deny the Request for Review and affirm SLD's denial of Waterville's application.

2. By letter dated October 29, 2002, SLD rejected a funding request made by Waterville for Funding Year 2001 of the schools and libraries program because Waterville's original FCC Form 471 Certification and Attachment 21 was not postmarked prior to the close of the filing window on January 18, 2001.³ In response, Waterville filed the instant appeal requesting a review of SLD's decision.⁴ Waterville contends that the Block 6 certification page for FY 2000 was sent in error and that the certification page for Funding Year (FY) 2001 was not submitted with the Form 471 application due to an unfortunate clerical oversight.⁵ In its appeal,

¹ Letter from Joel Whitehurst, Waterville-Elysian-Morristown Public School, to Federal Communications Commission, filed November 14, 2002 (Request for Review). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company (Administrator) may seek review from the Commission. 47 C.F.R. 54.719(c).

² *Id.*

³ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Carl V. Menk, 150 W. Tyrone Street, dated October 29, 2002.

⁴ See Request for Review.

⁵ *Id.*

Waterville enclosed a copy of the original filing illustrating the error and a complete set of new and accurate certification pages relevant to the FY 2001 application.⁶ Waterville requests that the Commission accept the Block 6 certification pages submitted with its Appeal and grant its Request for Review.

3. Upon review of the record, we conclude that SLD correctly denied Waterville's request for support.⁷ In FY 2001, the Form 471 Block 6 certifications and Item 21 attachments had to be postmarked no later than January 18, 2001 in order for the Form 471 to be considered filed in a timely manner. Waterville's original Form 471 application for FY 2001 was not properly certified and the new, accurate Block 6 certification pages were not postmarked prior to the close of the filing window on January 18, 2001. In light of the thousands of applications that SLD must review and process each year, it is administratively necessary to require an applicant to be responsible for providing complete and accurate information. Further, we have consistently held that it is the applicant who has responsibility ultimately for the timely submission of the application.⁸ Applicants must comply with program rules, including the application deadline, in order to be eligible for discounts.

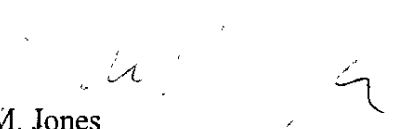
⁶ *Id.*

⁷ See *Request for Review by Charles Gibson, Federal State-Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-267921, CC Dockets No. 96-45 and 97-21, Order, 17 FCC Rcd 8611 (Wireline Comp. Bur. 2002). See also *Request for Review by Watervliet School District, Federal State-Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-275615, CC Dockets No. 96-45 and 97-21, Order, 17 FCC Rcd 15770 (Wireline Comp. Bur. 2002) (it is incumbent upon applicants to determine whether their applications are in compliance with program requirements prior to filing).

⁸ See, e.g., *Application for Review by Information Technology Department State of North Dakota, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-245592, CC Docket Nos. 96-45 and 97-21, Order, FCC 03-240 (Wireline Comp. Bur. rel. Oct. 21, 2003). See also *Request for Waiver by Center City Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-325719, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 22424 (Wireline Comp. Bur. 2003).

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that the Letter of Appeal filed by Waterville-Elysian-Morristown Public School on November 14, 2002 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION


Narda M. Jones
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau